

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

DEC 21 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: MAURICE ALLEN GILBERT,

No.15-55278

Debtor.

D.C. No. 5:14-cv-00807-DOC

MAURICE ALLEN GILBERT,

MEMORANDUM*

Appellant,

v.

APT 4891, LLC,

Appellee.

Appeal from the United States District Court
for the Central District of California
David O. Carter, District Judge, Presiding

Submitted December 14, 2016**

Before: WALLACE, LEAVY, and FISHER, Circuit Judges.

Maurice Allen Gilbert appeals pro se from the district court's order

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

dismissing as moot Gilbert's appeal of the bankruptcy court's order confirming that the automatic stay does not apply to real property that is not property of the bankruptcy estate. We have jurisdiction under 28 U.S.C. §§ 158(d), 1291. We review de novo a district court's determination that a bankruptcy appeal is moot.

Nat'l Mass Media Telecomm. Sys., Inc. v. Stanley (In re Nat'l Mass Media Telecomm. Sys., Inc.), 152 F.3d 1178, 1180 (9th Cir. 1998). We affirm.

The district court properly dismissed Gilbert's appeal as moot because, after foreclosure proceedings, the property was conveyed to a third party which prevented the district court from granting effective relief. *See id.* at 1180-81 (affirming dismissal on the basis of mootness where the sale of the property to a non-party prevented the court from granting effective relief).

Because we affirm the district court's order dismissing the appeal as moot, we do not consider Gilbert's arguments addressing the underlying merits of the appeal.

Appellee's request for judicial notice, filed July 30, 2015, is denied as unnecessary.

AFFIRMED.